

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**UNITED STATES OF AMERICA,**

**Plaintiff/Respondent,**

**v.**

**No. CIV 08-0942 RB/LAM  
No. CR 05-0144 RB**

**JERRY WAYNE TRAXLER,**

**Defendant/Movant.**

**ORDER ADOPTING MAGISTRATE JUDGE'S  
PROPOSED FINDINGS AND RECOMMENDED DISPOSITION**

**THIS MATTER** is before the Court on the Magistrate Judge's *Proposed Findings and Recommended Disposition* (Doc. 29) (hereinafter "PF&RD"), filed on September 16, 2009. No party has filed objections to the PF&RD, and the deadline for doing so has passed. Accordingly, the Court has determined that it will adopt the PF&RD, granting in part and denying in part Mr. Traxler's motion for extension of time to file a reply, denying the § 2255 claims, denying Mr. Traxler's request for an evidentiary hearing, and dismissing the case with prejudice.

**IT IS THEREFORE HEREBY ORDERED** that the *Proposed Findings and Recommended Disposition* (Doc. 29) are **ADOPTED** by the Court.

**IT IS FURTHER ORDERED** that the *Movant's Motion for Enlargement of Time* (Doc. 26) is **GRANTED IN PART** and **DENIED IN PART** as explained in the PF&RD (Doc. 29).

**IT IS FURTHER ORDERED** that the *Motion Under 28 U.S.C. Section 2255 to Vacate, Set Aside, or Correct Sentence by a Prisoner in Federal Custody* (Doc. 1), along with its supplement, *Motion to Supplement 28 U.S.C. § 2255 That Movant Requested be Held in Abeyance* (Doc. 12), is **DENIED**.

**IT IS FURTHER ORDERED** that Mr. Traxler's *Motion for Evidentiary Hearing* (Doc. 28) is **DENIED**.

**IT IS FURTHER ORDERED** that this case, No. CIV 08-0942 RB/LAM be, and hereby is, **DISMISSED WITH PREJUDICE**.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "Robert Brack", is positioned above a horizontal line.

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**THE HONORABLE ROBERT C. BRACK**  
**UNITED STATES DISTRICT JUDGE**